

Federal Defenders
OF NEW YORK, INC.

One Pierrepont Plaza-16th Floor, Brooklyn, NY 11201
Tel: (718) 330-1200 Fax: (718) 855-0760

David E. Patton
*Executive Director and
Attorney-in-Chief*

Deirdre D. von Dornum
Attorney-in-Charge

February 21, 2022

By ECF and Electronic Mail
The Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Samantha Shader, 20-CR-202 (DLI)

Dear Judge Irizarry:

Pursuant to the Court's January 24, 2022 scheduling order, the parties are providing a status report to the Court in advance of the status conference scheduled for February 28, 2022 at 11:00 a.m.

Ms. Shader is charged in a seven-count indictment with use of explosives, in violation of 18 U.S.C. § 844(f)(1), arson, in violation of 18 U.S.C. § 844(i), using an explosive to commit a felony, in violation of 18 U.S.C. § 844(h)(1), arson conspiracy, in violation of 18 U.S.C. § 844(n), use of a destructive device, in violation of 18 U.S.C. § 924(c)(1)(B)(ii), civil disorder, in violation of 18 U.S.C. § 231(a)(3) and possessing and making a destructive device, in violation of 26 U.S.C. §§ 5861(d) and 5861(f).

On July 17, 2020, the Court held a status conference and Ms. Shader was arraigned on the pending indictment. That same day, the Court issued a written order granting in part and denying in part the defense motion to inspect grand jury records. On July 23, 2020 and July 28, 2020, the Clerk of the Court provided the grand jury records to the defense and the government. On July 24, 2020, the government provided Ms. Shader with its second Rule 16 discovery production. On August 27, 2020, the government provided Ms. Shader with its third Rule 16 discovery production. On October 28, 2020, the government provided Ms. Shader with its fourth Rule 16 discovery production, which included numerous additional NYPD video files taken from multiple locations. On January 5, 2021, the government provided counsel for Ms. Shader with its fifth Rule 16 production, which included substantial additional materials including surveillance video files, law enforcement records, and forensic reports.

On May 12, 2021, the defense provided the government with a more than 50 page submission containing information in support of a disposition short of trial. And on August 11, 2021, and September 24, 2021, the defense provided the government with supplemental

mitigation materials including a final expert report. On December 13, 2021, the government extended an initial formal plea offer to Ms. Shader. Since that time, the parties have continued to make progress towards a disposition short of trial.

On January 20, 2022, defense counsel met with Kristin Mace, Chief of the Criminal Division at the U.S. Attorney's Office to discuss certain aspects of the plea agreement and submit a counter proposal. On January 21, 2022, the defense submitted additional materials for the U.S. Attorney's Office's consideration. The government has advised that the defense's counter proposal is still currently under consideration.

Notwithstanding the parties' continued work towards a resolution, which we believe will likely result in a disposition without the need for a trial, the parties are prepared to appear in person on February 28, 2022 at 11:00 a.m. as scheduled. The parties further note their consent to proceed remotely should the Court prefer to hold the status conference by phone or video. Time under the Speedy Trial Act is currently excluded through February 28, 2022.

Thank you for your consideration of this letter.

Respectfully Submitted,

/s/
Samuel Jacobson
Leticia Olivera
Assistant Federal Defenders
(718) 407-7429

cc: all counsel of record (via ECF)
Clerk of the Court (via ECF)